

03/07/01

**Customer Number: 000959**

**DIVISION OF -CONTINUATION APPLICATIONS**  
**UNDER RULE 1.53(b) (former Rule 1.60)**

920  
6/5/02

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER:  09/125.098	PRIOR APPLICATION FILING DATE:  MARCH 16, 1999
BBI-043CPUSCN	CLASS:	SUBCLASS:	EXAMINER: DAVID SAUNDERS	ART UNIT: 1644

COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231

U1044 U.S. PTO  
09/001105  
03/07/01

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: March 7, 2001 Mailing Label Number: EL 745 888 320 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

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Ilidio P. Cardoso

Signature: \_\_\_\_\_

Name of Person Mailing Paper

Signature of Person Mailing Paper

Dear Sir:

- which would mean

This is a request for filing a ☒ continuation, the contents of which are expressly incorporated by reference, ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/125,098 filed on March 16, 1999, of Jochen G. Salfeld *et al.* entitled HUMAN ANTIBODIES THAT BIND HUMAN TNF $\alpha$ .

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

- ☒ 76 page(s) of specification  
☒ 8 page(s) of claims  
☒ 1 page(s) of abstract  
☒ 6 page(s) of unexecuted declaration and power of attorney (executed copies of declaration and power of attorney are also enclosed).

Also enclosed are: Certification Under 37 CFR 1.10, Transmittal Letter to The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371, and a Preliminary Amendment filed in the parent application.

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✓ I.P.  
entitled  
y to  
selling  
date

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/125,098 as originally filed on March 16, 1999.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

It got this  
filing date  
for this SN  
because of  
371 processing  
delay

Eugenia Jones

June  
Falling rate  
is accrued.

3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 1	MINUS	** 20	= 0
INDEP.	* 1	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FEE
x 9 =	\$0.00
x 40 =	\$0.00
+ 135 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OR

OTHER THAN A SMALL ENTITY	
RATE	FEE
x 18 =	\$0.00
x 80 =	\$0.00
+ 270 =	\$0.00
BASIC FEE	\$710.00
TOTAL	\$710.00

OR

4. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

**THE FILING FEE IS NOT BEING PAID AT THIS TIME.**

5. ☒ Cancel in this application original claims 2-73 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
7. ☒ Amend the specification by inserting a new first paragraph as follows: - This application is a continuation application of Serial no. 09/125,098 filed on March 16, 1999, pending, which claims priority from International application Serial No. PCT/US97/02219 filed February 10, 1997, which claims priority from U.S. provisional application Serial No. 60/031,476 filed November 25, 1996 and from U.S. application Serial No. 08/599,226 filed February 9, 1996, the contents of each are expressly incorporated by reference--.
8. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
9. ☐ Transfer the drawings from the pending prior application to this application.
10. ☐ Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.  
☐ The certified copy has been filed in prior application serial no. \_\_\_\_\_ filed on \_\_\_\_\_.  
☐ The certified copy will follow.
11. ☒ The prior application is assigned of record to BASF Aktiengesellschaft.
12. ☐ A \_\_\_\_\_ month extension of time has been submitted in the parent application Serial No. \_\_\_\_\_ in order to establish compendency with the present application.
13. ☐ Also enclosed is/are .

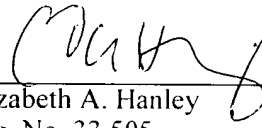
14. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new Power has been executed and is enclosed.
15. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Elizabeth A. Hanley at **Customer Number: 000959** whose address is:

Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109

16. ☐ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. \_\_\_\_\_.
17. ☐ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. \_\_\_\_\_. Please use the computer readable form of application serial no. \_\_\_\_\_ in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. \_\_\_\_\_ are the same.

March 7, 2001  
Date

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
Tel. (617) 227-7400

  
\_\_\_\_\_  
Elizabeth A. Hanley  
Reg. No. 33,505  
☐ inventor(s) ☐ filed under §1.34(a)  
☐ assignee of complete interest  
☒ attorney or agent of record

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C.371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION  
**PCT/US97/02219**

INTERNATIONAL FILING DATE  
**10 February 1997 (10.02.97)**

PRIORITY DATE CLAIMED  
**09 February 1996 (09.02.96)**

TITLE OF INVENTION

**HUMAN ANTIBODIES THAT BIND HUMAN TNF $\alpha$**

APPLICANT(S) FOR DO/EO/US

**Jochen G. SALFELD et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C.371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371 (f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371 (b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **(unexecuted) (6 sheets);**
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included
13. ☒ A **FIRST** preliminary amendment. **(2 sheets);**
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: **Transmittal Letter (2 sheets in duplicate); Certificate of Express Mailing (1 sheet); Check (\$2570); and Return Postcard.**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.492(a)(1))

INTERNATIONAL APPLICATION NO.

PCT/US97/02219

ATTORNEY'S DOCKET NO.

BBI-043CPUS

17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ):**

Search Report has been prepared by the EPO or JPO.....\$930  
 International preliminary examination fee paid to  
 USPTO (37 CFR 1.482).....\$720  
 No international preliminary examination fee paid to  
 USPTO (37 CFR 1.482) but international search fee  
 paid to USPTO (37 CFR 1.445(a)(2)).....\$790  
 Neither international preliminary examination fee  
 (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2))  
 paid to USPTO.....\$1070  
 International preliminary examination fee paid to  
 USPTO (37 CFR 1.482) and all claims satisfied provisions  
 of PCT Article 33(2)-(4).....\$98

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

\$930

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	61 -20 =	41	X \$22.00
Independent claims	12 -3 =	9	X \$82.00

\$902

\$738

MULTIPLE DEPENDENT CLAIM(S) (if applicable) + 270.00

\$0

TOTAL OF ABOVE CALCULATIONS =

\$1640

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity  
 Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28)

\$

SUBTOTAL =

\$2570

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$2570

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment  
 must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).  
 \$40.00 per property

\$

TOTAL FEES ENCLOSED =

\$2570

Amount to be:  
refunded

\$

charged

\$

a. ☒ A check in the amount of \$2570 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit  
 any overpayment to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**Catherine J. Kara, Ph.D.**  
**LAHIVE & COCKFIELD, LLP**  
**28 State Street**  
**Boston, Massachusetts 02109**  
**United States of America**  
**(617)227-7400**

SIGNATURE

Catherine J. Kara

NAME

41,106

REGISTRATION NUMBER

IN THE UNITED STATES PATENT DESIGNATED OFFICE (DO/US)  
(National Phase of International App.: PCT/US97/02219)

In re the  
application of: **Jochen G. SALFELD et al.**

International Application No.: **PCT/US97/02219**

International Filing Date: **10 February 1997**

U.S. Serial No.: **Not yet assigned**

Filed: **Herewith**

For: **HUMAN ANTIBODIES THAT  
BIND HUMAN TNF $\alpha$**

Attorney Docket No.: **BBI-043CPUS**

Assistant Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231

Certification Under 37 CFR 1.10

I hereby certify that the attached:

Transmittal Letter (2 sheets in duplicate); Certificate of Express Mailing (1 sheet); Declaration, Petition and Power of Attorney (unexecuted) (6 sheets); Preliminary Amendment (2 sheets); Check (\$2570); and return postcard are being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. **EL 008 488 054 US**, under 37 CFR 1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231.

**EL008488054US**

Date: 07 August 1998

Name: Ilidio P. Cardoso

Signature: 